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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,589	03/17/2004	Young Lee	H0595.0007/P007	2741
24998	7590	05/16/2007		
DICKSTEIN SHAPIRO LLP 1825 EYE STREET NW Washington, DC 20006-5403			EXAMINER SHEN, KEZHEN	
			ART UNIT 2609	PAPER NUMBER
			MAIL DATE 05/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/801,589

**Applicant(s)**

LEE, YOUNG

**Examiner**

Kezhen Shen

**Art Unit**

2609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                 | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3, in last "wherein" clause, "said both oblique parts" has no antecedent basis. For art rejection purpose, the claimed limitation is construed as "said moving means".

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in–

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English.

4. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by

Fukushima et al. US 6,978,467 B1.

Regarding claim 1 Fukushima et al. teach an ultra slim slot-in type drive device (Fukushima et al. Fig. 1, Col 2 Line 48-59 disk player) adapted to insert or release a disk type recording medium (Fukushima et al. 1 of Fig. 1, Col 2 Line 51 12cm CD) through a slot (Fukushima et al. 11 of Fig. 1, Col 2 Line 57-59 a slit or a slot for inserting the disk), comprising of a top link plate (Fukushima et al. 10 of Fig. 1, Col 2 Line 57-60 openable chassis) having a slot at one side through which a recording medium is inserted and exited (Fukushima et al. 11 of Fig. 1, Col 2 Line 57-59 a slit or a slot for inserting the disk), and having a clamp for clamping said recording medium (Fukushima et al. 38 of Fig. 3, Col 5 Line 31-33 the clammer for clamping the disk on the turntable), a main body (Fukushima et al. 80 of Fig. 1, Col 2 Line 53-57 main chassis) separated from said top link plate (Fukushima et al. 10 and 80 of Fig. 1, Col 2 Line 53-57 openable chassis and main chassis ) and having a rotating means for rotating said recording medium (Fukushima et al. 81 of Fig. 3, Col 7 Line 39-41 playing mechanism), control means (Fukushima et al. controller of Fig. 24 and 25) configured to control said top link plate, to descend by detecting the insertion of said recording medium (Fukushima et al. Col 5 Line 11-14 rocking plate, disk feeding follower roller and micro-switch for detecting the insertion of a disk from the slit) into said top link plate and to activate said rotating means (Fukushima et al. Col 11 Line 62-64 the disk can then be played), and also configured to control said top link plate to ascend according to the input of the signal commanding the exit of said recording medium (Fukushima et al. Col 11 Line 64-67 and Col 12 Line 1-2 an operator controls a switch A disposed on the front panel to start the discharge or pop-up of the disc) and to stop the activation of said rotating means

(Fukushima et al. Col 11 Line 64-67 and Col 12 Line 1-2 to discharge the disc the actions taken to start the disc need to be reversed) and ascent and descent means (Fukushima et al. 83 of Fig. 24 and 25) for coupling said top link plate to said main body for vertical movement (Fukushima et al. Col 11 Line 42-45 at the time of clamping action the main chassis turns toward the openable chassis) and ascending and descending said top link plate according to the control of said control means (Fukushima et al. controller of Fig. 24 and 25 the controller controls the clamping and pop up drive means).

Regarding claim 2 Fukushima et al. teach the device as defined in claim 1, wherein said ascent and descent means includes a hinge coupling part pivotally fixing said top link plate to one end of said main body (Fukushima et al. Col 2, lines 54-57, Col 8 Line 4-7 in the back end portion of the main chassis there are bearings which rotatably engage with a set of pins fixed in the back end of the openable chassis), an ascent and descent device (Fukushima et al. 76 and 91 of Fig. 10) for pivoting said top link plate from said main body and an ascent and descent driver (Fukushima et al. 83 of Fig. 24 and 25) for activating said ascent and descent device according to the control of said control means (Fukushima et al. Fig 24 and 25, the controller activates the motor which in turn activates the clamp or pop up drive).

Regarding claim 3 Fukushima et al. teach the device as defined in claim 1 or 2, wherein said top link plate (figs. 1, 3, element "10" is top link plate) includes moving means (figs. 14-17, element "34", "74" i.e. rollers) for carrying said recording medium (1) between the inlet (11) and the inside of said slot (figs. 14-17, all diagrammatically depict

the "inside" cavity to accommodate disc "1"), wherein said moving means includes a resilient member (col. 9, lines 47-50, the disc drive roller "74" is made of resilient elastic material) equipped at the inside wall of the inlet of said slot and having a protruded part configured to generate resilient force toward both oblique directions and to contact the lateral surface of said recording (i.e. rollers 34, 74), wherein said both oblique parts (again, construed as "moving means" i.e. rollers 34, 74 as stated above) are disposed to face the inlet and the inside of said slot, respectively and lever means (figs. 10-13, element "70) for pushing out said recording medium from the inside of said slot to the inlet direction (also col. 11, line 4 – col. 12, line 12).

Regarding claim 4 Fukushima et al. teach the device as defined in claim 3, wherein the inlet of said slot (11) is further mounted with a stopper made with a material having a high frictional coefficient and being in contact with the lateral surface of said recording medium (again, "74" serves also as a stopper).

Regarding claim 5 Fukushima et al. teach the device as defined in claim 3, wherein the inside of said slot is further mounted with a guiding means having a concave groove into which the lateral surface of said recording medium is inserted and slid (fig. 1, "11", also col. 6, lines 59+, especially element "70a").

Regarding claim 6 Fukushima et al. teach the device as defined in claim 5, wherein said guiding means includes a guiding lever having a concave groove and a lever actuating part for pulling back or restoring said guiding lever to the original position by activating said guiding lever (see col. 6, line 59 – col. 7, line 32).

***Examiner's Note***

The referenced citations made in the rejection(s) above are intended to exemplify areas in the prior art document(s) in which the examiner believed are the most relevant to the claimed subject matter. However, it is incumbent upon the applicant to analyze the prior art document(s) in its/their entirety since other areas of the document(s) may be relied upon at a later time to substantiate examiner's rationale of record. A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). However, "the prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed...." In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004).

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kezhen Shen whose telephone number is (571) 270-1815. The examiner can normally be reached on Monday - Friday 7:30 am to 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kezhen Shen

  
**VU LE**  
**SUPERVISORY PATENT EXAMINER**